



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Drinking Water Program
BRP WM 03 – Water Management Act Program
Permit Application Form - Instructions

Introduction

MassDEP BRP WM03 – Water Management Act Program *Permit Application*, as well as *Instructions* are available for download from the MassDEP Web site at mass.gov/dep in two file formats: Microsoft Word™ and Adobe Acrobat PDF™. Either format allows documents to be printed.

1. What is the purpose of a Water Management Act Program Permit?

MassDEP reviews requests to withdraw water over 100,000 gallons per day annually, from watersheds to ensure that new withdrawals will not negatively impact water resources or existing users. Statutory and regulatory authority for a Water Management Act Program Permit can be found in Massachusetts General Laws (MGL) chapter 21G and MassDEP regulations - 310 CMR 36.17 through 44.

2. Who is required to apply?

Those users planning to withdraw water from ground or surface sources in excess of an annual average of 100,000 gallons per day or 9 million gallons in any 3-month period. Users typically requiring a permit include: industry, commercial, agriculture, golf courses, cranberry bogs, public water suppliers and others. Certain uses, defined as non-consumptive, are exempt from permitting requirements.

3. What other requirements should be considered prior to or when applying for this permit?

Review under the *Massachusetts Environmental Policy Act (MEPA)* is required for construction of new withdrawals and/or certain increased withdrawals from existing withdrawal points. Please review MEPA Regulations 301 CMR 11.00 to determine if the proposed project exceeds the MEPA review thresholds. For more information contact the MEPA Unit of the Executive Office of Environmental Affairs at 100 Cambridge Street, Boston, MA 02202 or phone at (617) 626 1020. MassDEP cannot complete technical review or issue a permit until the MEPA process has been concluded. A copy of a MEPA filing should be sent to the attention of the appropriate regional office's MEPA Coordinator. The appropriate regional office is located in the community in which the withdrawal(s) takes place. To find the appropriate regional office, utilize the MassDEP website. <http://mass.gov/dep/about/region/findyour.htm>

Inter basin Transfer Act approval is required from the Water Resources Commission for the transfer of water across a river basin boundary. The Massachusetts Department of Conservation and Recreation should be contacted for detailed information. For new sources of supply to be utilized for drinking water purposes, the *DEP Source Approval Process* may be required. DEP regional office staff should be consulted prior to applying. These requirements are intended to serve as a guide only. Other additional requirements may apply.

4. What is the permit application and once the permit is issued, the annual compliance fee?

The permit application fee is \$3,340 and current annual compliance fees can be found on the MassDEP Website at: <http://mass.gov/dep/service/online/fees.htm>.

5. What are the timelines for processing of the Water Management Act Program Permit?

MassDEP Water Management Act Program regional staff will complete a review within 90 days of receipt of the permit application and payment of the required fee. During this time, the applicant will conduct a required public notice procedure. The applicant will have until the completion date specified in 310 CMR 36.18 to remedy any application submittal deficiencies and complete public notice responsibilities. MassDEP typically has 90 days from the determined application completion date to provide a final determination, but can take an



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additional 9 months in certain circumstances. MassDEP may conduct an additional public hearing if warranted.

6. How long is the Water Management Act Program Permit in effect?

BRP WM03 Permit Application Appendix contains a schedule of expiration dates for permits.

7. How can I avoid the most common mistakes made in applying for this permit?

- a. Determine if public notice applies and prepare in advance of the filing to meet the requirements.
- b. Complete the required hydraulic analyses for all applicable groundwater sources in advance of filing date.
- c. Provide a thorough explanation of the demand estimates.
- d. Develop a conservation plan according to the instructions provided with the permit application form.
- e. Submit the appropriate fee and one copy of the MassDEP Transmittal Form that can be downloaded at the following website: <http://mass.gov/dep/service/online/trasmfrm.shtml> to:

Department of Environmental Protection, P.O. Box 4062, Boston, MA 02211.

8. What are the regulations that apply to the permit? Where can copies be obtained?

These regulations include, but are not limited to:

- a. Water Management Act Program Regulations, 310 CMR 36.00
- b. Timely Action Schedule and Fee Provisions, 310 CMR 4.00.

Regulations are available online or may be purchased at:

State Bookstore (in State House)
Room 116
Boston, MA 02133
617-727-2834

State Bookstore
436 Dwight Street, Room 102
Springfield, MA 01103-1317
413-784-1376



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All forms and instructions listed below are available on the MassDEP website.

- ☐ The MassDEP Transmittal Form is properly completed: <http://mass.gov/dep/service/online/trasmfrm.shtml>
- ☐ BRP WM 03 – Form A - General Information.
- ☐ BRP WM03 - Form B – Groundwater Sources of Supply, for each groundwater withdrawal.
- ☐ BRP WMO3 - Form C – Surface Water Supplies, for each surface water withdrawal.
- ☐ BRP WM03 – Forms D1, D2 and Form D Option - Future Water Needs
 - Form D1 - historical usage from previous water withdrawals.
 - Form D2 - projection of water usage.
 - Option D Form – for public water suppliers
- ☐ BRP WM03 Forms E1, E2 and E3 are for **Cranberry Growers**. These forms are based on acreage in production instead of metered water withdrawals.
- ☐ BRP WM03 – Form F – Evaluation of Potential Effects of the Withdrawal(s).
- ☐ BRP WM03 – Form G – Alternatives to the Proposed Withdrawal(s).
- ☐ BRP WM03 - Form H – Groundwater Hydraulic Analyses (GHA) for Non Potable Wells.
- ☐ Description of any water conservation program and implementation timetable (For Public Water Suppliers, a completed Water Resources Commission Conservation Plan fulfills this requirement. For other applicants, conservation requirements are outlined in these guidelines, but there is no standard form).
- ☐ Send a copy of the permit application to the Local Water Resources Management Official (LWMRO) in the community(s) where the withdrawal(s) is located, or to the Chief Elected Official if no LWRMO has been appointed. The withdrawal point(s) community location is also the appropriate DEP regional office.
- ☐ Publish a notice in local newspapers within 14 days after the filing date.
- ☐ Notify primary and secondary abutters to the property upon which the withdrawal is located within 5 days after publishing the above notice AND send a notarized affidavit to MassDEP stating that public notice has been completed 10 days after notification of the abutters.
- ☐ Submit an Environmental Notification Form (ENF) to MEPA for newly constructed withdrawal points within 10 days of filing and forward a copy to the MassDEP regional office MEPA Coordinator.
- ☐ Submit the completed permit application package to:
 - Department of Environmental Protection – Appropriate Regional Office
 - Drinking Water Program - Water Management Act Program
- ☐ Send a fee of \$3,340 in the form of check or money order made payable to *Commonwealth of Massachusetts*, along with one copy of the MassDEP Transmittal Form to:

Department of Environmental Protection, P.O. Box 4062 - Boston, MA 02211